



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 6, 1996

Mr. Patrick S. Dohoney
Assistant District Attorney
Tarrant County
401 Belknap
Fort Worth, Texas 76196-0201

OR96-2319

Dear Mr. Dohoney:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 102638.

The Tarrant County Sheriff's Department (the "department") received an open records request for the jail records of the requestor's client. Because the requestor is an attorney representing a criminal defendant currently incarcerated with the Texas Department of Criminal Justice, you contend that you need not comply with the request pursuant to section 552.027 of the Government Code. You have identified the information that is responsive to the request and submitted it to this office for review.

Section 552.027 of the Government Code provides:

(a) A governmental body is not required to accept or comply with a request for information from an individual who is imprisoned or confined in a correctional facility.

(b) Subsection (a) does not prohibit a governmental body from disclosing to an individual described by that subsection information held by a governmental body pertaining to that individual.

(c) In this section, "correctional facility" has the meaning assigned by Section 1.07(a), Penal Code.¹

¹Section 1.07(a)(14) of the Penal Code provides:

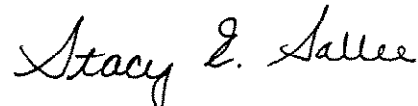
"Correctional facility" means a place designated by law for the confinement of a person arrested for, charged with, or convicted of a criminal offense. The term includes:

Gov't Code § 552.027 (as added by Acts 1995, 74th Leg., ch. 302, § 1) (footnote added).

By enacting section 552.027, the legislature intended to prevent inmates from using information obtained through the Open Records Act "to file bogus income tax returns on correctional officers, harass nurses at their home addresses, and send mail to the homes of Texas Department of Criminal Justice employees." Tex. Sen. Criminal Justice Comm., Bill Analysis, Tex. H.B. 949, 74th Leg., R.S. (1995) (quoting from "Background") (available through the Senate Research Center). After careful consideration and given the stated purpose of section 552.027, we do not believe that the legislature intended to prevent an attorney, who is subject to rules of professional responsibility, from requesting information on behalf of an inmate whom he is representing. Accordingly, we conclude that section 552.027 does not relieve a governmental body of its obligation to accept and comply with an open records request from an attorney who is representing an inmate. Because you have raised none of the act's other exceptions to required public disclosure, the requested information must be released to the requestor.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have any questions about this ruling, please contact our office.

Yours very truly,



Stacy E. Sallee
Assistant Attorney General
Open Records Division

SES/RWP/ch

Ref: ID# 102638

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- (A) a municipal or county jail;
 - (B) a confinement facility operated by the Texas Department of Criminal Justice;
 - (C) a confinement facility operated under contract with any division of the Texas Department of Criminal Justice; and
 - (D) a community corrections facility operated by a community supervision and corrections department.

Enclosures: Submitted documents

cc: Mr. Robert Estrada
1007 Eleventh Street
Wichita Falls, Texas 76301
(w/o enclosures)